

107TH CONGRESS
1ST SESSION

H. R. 3077

To improve procedures with respect to the admission to, and departure from,
the United States of aliens.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2001

Mr. CASTLE (for himself, Mr. DEAL of Georgia, Mr. FLAKE, Mr. NORWOOD, Mr. STUMP, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. TANCREDO, Mrs. ROUKEMA, Mr. KERNS, Mrs. EMERSON, and Mr. GREENWOOD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve procedures with respect to the admission to,
and departure from, the United States of aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Integrity and Se-
5 curity Act of 2001”.

1 **SEC. 2. SENSE OF THE CONGRESS REGARDING THE NEED**
2 **TO EXPEDITE IMPLEMENTATION OF INTE-**
3 **GRATED ENTRY AND EXIT DATA SYSTEM.**

4 In light of the terrorist attacks perpetrated against
5 the United States on September 11, 2001, it is the sense
6 of the Congress that—

7 (1) the Attorney General should fully imple-
8 ment the integrated entry and exit data system for
9 airports, seaports, and land border ports of entry, as
10 specified in section 110 of the Illegal Immigration
11 Reform and Immigrant Responsibility Act of 1996,
12 as amended by the Immigration and Naturalization
13 Service Data Management Improvement Act of 2000
14 (Public Law 106–215), with all deliberate speed and
15 as expeditiously as practicable; and

16 (2) the Attorney General, in consultation with
17 the Secretary of State, the Secretary of Commerce,
18 and the Secretary of the Treasury, should imme-
19 diately begin establishing the Integrated Entry and
20 Exit Data System Task Force, as described in sec-
21 tion 3 of the Immigration and Naturalization Serv-
22 ice Data Management Improvement Act of 2000
23 (Public Law 106–215).

24 **SEC. 3. INTEGRATED ENTRY AND EXIT DATA SYSTEM.**

25 (a) DEVELOPMENT OF THE SYSTEM.—In the devel-
26 opment of the integrated entry and exit data system re-

ferred to in section 2, the Attorney General shall particularly focus on—

(1) the utilization of biometric technology, including, but not limited to, electronic fingerprinting, face recognition, and retinal scan technology; and

(2) developing a tamper-proof identification, readable at ports of entry as a part of any non-immigrant visa issued by the Secretary of State.

(b) INTEGRATION WITH LAW ENFORCEMENT DATABASES.—The entry and exit data system described in subsection (a) shall be able to be integrated with law enforcement databases for use by State and Federal law enforcement to identify and detain individuals in the United States after the expiration of their visa.

SEC. 4. ACCESS BY THE DEPARTMENT OF STATE TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting “; DATA EXCHANGE” after “SECURITY OFFICERS”;

(2) by inserting “(a)” after “SEC. 105.”;

1 (3) in subsection (a), by inserting “and border”
2 after “internal” the second place it appears; and
3 (4) by adding at the end the following:

4 “(b) The Attorney General and the Director of the
5 Federal Bureau of Investigation shall provide the Depart-
6 ment of State access to the criminal history record infor-
7 mation contained in the National Crime Information Cen-
8 ter’s Interstate Identification Index (NCIC–III), Wanted
9 Persons File, and to any other files maintained by the Na-
10 tional Crime Information Center that may be mutually
11 agreed upon by the Attorney General and the Department
12 of State, for the purpose of determining whether or not
13 a visa applicant or applicant for admission has a criminal
14 history record indexed in any such file. The Department
15 of State shall merge the information obtained under this
16 subsection with the information in the system currently
17 accessed by consular officers to determine the criminal his-
18 tory records of aliens applying for visas.”.

19 (b) REGULAR REPORTING.—The Director of Central
20 Intelligence, the Secretary of Defense, the Commissioner
21 of Immigration and Naturalization, and the Director of
22 the Federal Bureau of Investigation shall provide informa-
23 tion to the Secretary of State on a regular basis as agreed
24 by the Secretary and the head of each of these agencies
25 that will assist the Secretary in determining if an appli-

1 cant for a visa has a criminal background or poses a threat
2 to the national security of the United States or is affiliated
3 with a group that poses such a threat.

4 (c) REPORT ON SCREENING INFORMATION.—Not
5 later than 6 months after the date of enactment of this
6 Act, the Secretary of State shall submit a report to Con-
7 gress on the information that is needed from any United
8 States agency to best screen visa applicants to identify
9 those affiliated with terrorist organizations or those that
10 pose any threat to the safety or security of the United
11 States, including the type of information currently re-
12 ceived by United States agencies and the regularity with
13 which such information is transmitted to the Secretary.

14 **SEC. 5. STUDENT TRACKING SYSTEM.**

15 (a) INTEGRATION WITH PORT OF ENTRY INFORMA-
16 TION.—For each alien with respect to whom information
17 is collected under this section, the Attorney General shall
18 include information on the date of entry, port of entry,
19 and nonimmigrant classification.

20 (b) EXPANSION OF SYSTEM TO INCLUDE OTHER AP-
21 PROVED EDUCATIONAL INSTITUTIONS.—Section 641 of
22 the Illegal Immigration Reform and Immigrant Responsi-
23 bility Act of 1996 (8 U.S.C. 1372) is amended—

24 (1) in subsection (a)(1), subsection (c)(4)(A),
25 and subsection (d)(1) (in the text above subpara-

1 graph (A)), by inserting “, other approved edu-
 2 cational institutions,” after “higher education” each
 3 place it appears;

4 (2) in subsections (c)(1)(C), (c)(1)(D), and
 5 (d)(1)(A), by inserting “, or other approved edu-
 6 cational institution,” after “higher education” each
 7 place it appears;

8 (3) in subsections (d)(2), (e)(1), and (e)(2), by
 9 inserting “, other approved educational institution,”
 10 after “higher education” each place it appears; and

11 (4) in subsection (h), by adding at the end the
 12 following new paragraph:

13 “(3) OTHER APPROVED EDUCATIONAL INSTITU-
 14 TION.—The term ‘other approved educational insti-
 15 tution’ includes any air flight school, language train-
 16 ing school, vocational school, or other school, ap-
 17 proved by the Attorney General, in consultation with
 18 the Secretary of Education, under subparagraph
 19 (F), (J), or (M) of section 101(a)(15) of the Immi-
 20 gration and Nationality Act.”.

21 (c) EXPANSION OF SYSTEM TO INCLUDE ADDI-
 22 TIONAL INFORMATION.—Section 641(b) of the Illegal Im-
 23 migration Reform and Immigrant Responsibility Act of
 24 1996 (8 U.S.C.1372(b)), as amended by subsection (a),
 25 is further amended—

1 (1) by redesignating subparagraphs (B), (C),
2 and (D) of paragraph (1) as subparagraphs (C),
3 (D), and (E), respectively;

4 (2) by inserting after subparagraph (A) the fol-
5 lowing:

6 “(B) the name of any dependent spouse,
7 child, or other family member accompanying
8 the alien student to the United States;”; and

9 (3) in paragraph (1)(D) (as so redesignated),
10 by inserting after “maintaining status as a full-time
11 student” the following: “and, if the alien is not
12 maintaining such status, the date on which the alien
13 has concluded the alien’s course of study and the
14 reason therefor”; and

15 (4) by adding at the end the following new
16 paragraph:

17 “(5) INFORMATION ON FAILURE TO COMMENCE
18 STUDIES.—Each approved institution of higher edu-
19 cation, other approved educational institution, or
20 designated exchange visitor program shall inform the
21 Attorney General within 30 days if an alien de-
22 scribed in subsection (a)(1) who is scheduled to at-
23 tend the institution or program fails to do so. The
24 Attorney General shall ensure that information re-
25 ceived under this paragraph is included in the Na-

1 tional Crime Information Center’s Interstate Identi-
2 fication Index.”.

3 **SEC. 6. STRENGTHENING VISA WAIVER PILOT PROGRAM.**

4 Section 217(c)(2) of the Immigration and Nationality
5 Act (8 U.S.C. 1187(c)(2)) is amended by adding at the
6 end the following:

7 “(D) TAMPER PROOF PASSPORT.—The
8 country employs a tamper-proof passport, has
9 established a program to reduce the theft of
10 passports, and has experienced during the pre-
11 ceding two-year period a low rate of theft of
12 passports, as determined by the Secretary of
13 State.”.

14 **SEC. 7. REPORTING REQUIREMENT REGARDING H-1B NON-**
15 **IMMIGRANT ALIENS.**

16 (a) REQUIREMENT.—Not later than 14 days after the
17 employment of a nonimmigrant alien described in section
18 101(a)(15)(H)(i)(b) of the Immigration and Nationality
19 Act is terminated by an employer, the employer shall so
20 report to the Attorney General, together with the reasons
21 for the termination, if such reasons exist.

22 (b) PENALTY.—Any employer who fails to make a re-
23 port required under subsection (a) shall be ineligible to

- 1 employ any nonimmigrant alien described in that sub-
- 2 section for a period of one year.

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